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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,624	03/15/2004	Ching-Jou Chen	CHEN3645/EM	8407

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EXAMINER

SZUMNY, JONATHON A

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/799,624	Applicant(s) CHEN ET AL.	
	Examiner Jon A Szumny	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5 and 6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2 is/are allowed.
- 6) ☒ Claim(s) 1,3 and 6 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

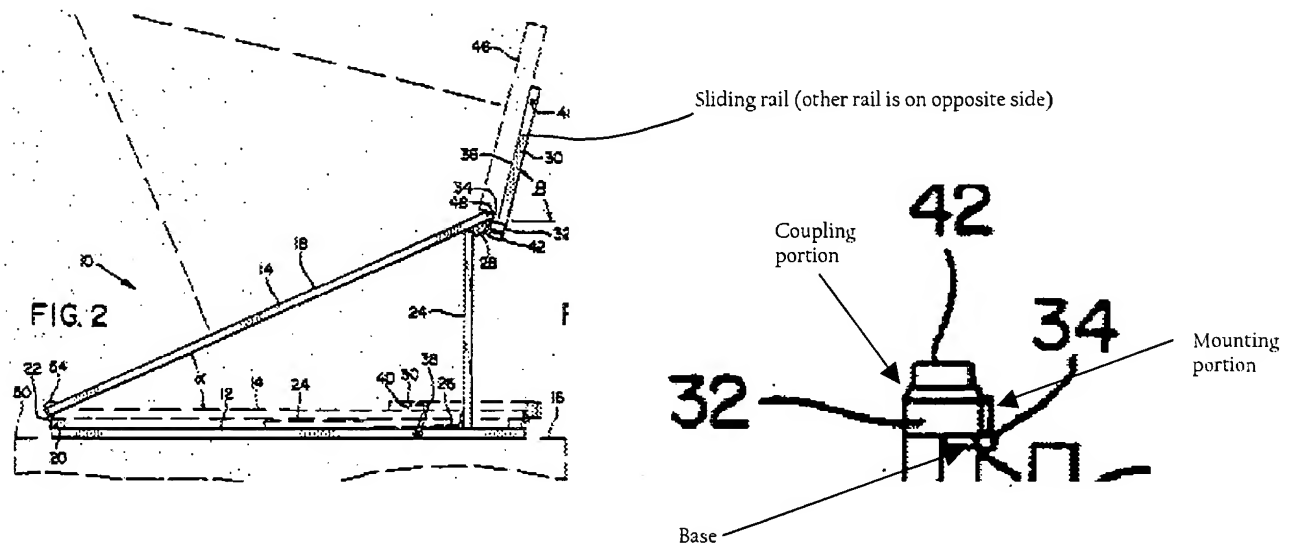
- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

This is the second office action for application number 10/799,624, Portable Computer Support Structure, filed on March 15, 2004.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

Claims 1, 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Charney et al. '364 in view of U.S. Patent number 6,216,316 to Errichiello.



Regarding claims 1 and 6, Charney et al. '364 discloses a support structure comprising a base member (12), the base member comprising a first pivoting structure (near 22) disposed at a top surface thereof near a rear side (depending upon a user's specific reference point) of the base member, and a second pivoting structure (near 26) disposed at the top surface in front of the first pivoting structure; a support arm (14) having a bottom pivoting portion disposed at a

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bottom side thereof and locating means (top edge, near 48) disposed at a top side thereof, the bottom pivoting portion being fastened pivotally with the first pivoting structure of the base member for enabling said support arm to be rotated relative to and lifted, from the base member; a back-stick plate (24) having a bottom side and a top side, the bottom side of the back-stick plate being pivoted to the second pivoting structure of said base member for enabling the back-stick plate to be rotated relative to and lifted from the base member to let the support arm be supported on the top side of the back-stick plate after lifting of the support arm from the base member; a step-less pivoting device (above, right figure), the step-less pivoting device comprising a base (above) affixed to the locating means of the support arm, and a support block, the support block comprising a mounting portion (above), and a coupling portion (above) connectable to the supporting portion of the portable computer, wherein the coupling portion of the support block is comprised of a pair of sliding rails (above) inherently respectively adapted to be coupled to a pair of sliding grooves that form the supporting portion of the portable computer, wherein the support structure could inherently support a portable computer/tablet PC. However, Charney et al. '364 fails to specifically reveal a shaft to be inserted through and rotatable relative to the base.

Nevertheless, Errichiello '316 reveals a step-less pivoting device (figures 1, 2, 6) including a base (figure 1, top leaf), and a shaft (20) inserted therethrough, wherein the base is affixed to locating means comprising a recessed portion (figure 6, in 52, there is a recessed portion) via screws (56). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the step-less pivoting device to have a shaft inserted through and rotatable relative to the base such that the mounting portion is fastened to the shaft.

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on the support structure of Charney et al. '364 as in Errichiello '316 since doing so is a well known and efficient connection in the art.

Further, regarding claim 3, Charney et al. '364 teaches the previous invention failing to specifically reveal the locating means to comprise a recessed portion. Nevertheless, Errichiello '316 reveals the previously described recessed portion. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the locating means of Charney et al. '364 so as to comprise a recessed portion as in Errichiello '316 in order to provide for a more secure mounting of the base to the support arm.

Allowable Subject Matter

Claim 2 is allowed.

Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reasons for allowance for claims 2 and 5 can be found in a previous office action.

Response to Arguments

Applicant's arguments filed March 22, 2005 have been fully considered but they are not persuasive.

On the bottom of page 6 and top of page 7 of the response, the applicant contends Charney et al. and Errichiello fail to teach a portion comprised of a pair of sliding rails *adapted to* be respectively coupled to a pair of sliding grooves in a portable computer. In response to applicant's arguments against the references individually, one cannot show nonobviousness by

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attacking references individually where the rejections are based on combinations of references.

See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231

USPQ 375 (Fed. Cir. 1986). More specifically, the Examiner never relied on Errichiello to teach a

pair of sliding rails; Charney et al. was relied upon for the teaching of sliding rails. Further, a

“rail” is defined, for instance, in Merriam Webster’s Collegiate Dictionary - 10th Edition as a

“track” or a “structural member or support,” so Charney et al. clearly teaches “rails” as indicated

in the figure above. Further, such rails could inherently be “sliding rails” if slid along another

object. The applicant then continues to contend that the sliding rails of Charney et al. are not

adapted to be respectively coupled to a pair of sliding grooves of the PC. Such is a futile argument; because

the sliding grooves of the PC have not been *positively* recited, the sliding rails of Charney et al.

need only to be capable of performing the function of coupling to a pair of sliding grooves of a

PC. The sliding rails of Charney et al. are in fact capable of performing such a function.

In response to applicant’s argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it is well known in the art that hinges/pivoting devices typically have shafts inserted therethrough to assure smooth movement and to increase structural integrity, as is shown by Errichiello. Thus, doing so is not considered patentable.

Conclusion

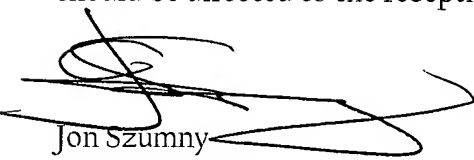
THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon A Szumny whose telephone number is (571) 272-6824. The examiner can normally be reached on Monday-Friday 8-4.

The fax phone number for the organization where this application and proceeding are assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600.



Jon Szumny
Patent Examiner
Technology Center 3600
Art Unit 3632
April 13, 2005